

both elective and appointive, but not to exceed four (4) years; provided, however, that tenure under Civil Service shall not be affected hereby; providing for an election, a form of ballot and the issuance of a proclamation therefor.

To the Committee on Constitutional Amendments.

Designation of Member to Read Declaration of Independence

Pursuant to the provisions of Senate Resolution 92 previously adopted by the Senate, the President designated Senator Krueger to read the Declaration of Independence on February 28, 1957, in observance of Texas Independence Day.

Reports of Standing Committees

Senator Owen by unanimous consent submitted the following report:

Austin, Texas,
February 26, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 290, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

OWEN, Chairman.

Senator Bracewell, by unanimous consent, submitted the following report:

Austin, Texas,
February 27, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred Senate Bill No. 203, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BRACEWELL, Chairman.

Special Notice

Senator Willis gave notice that he would on tomorrow move to suspend the necessary rules to take up for consideration H. B. No. 134.

Adjournment

On motion of Senator Hardeman

the Senate at 11:50 o'clock a.m. adjourned until 10:30 o'clock tomorrow.

THIRTIETH DAY

(Thursday, February 28, 1957)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by Senator Hardeman.

The roll was called and the following Senators were present:

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Lock	Wood

Absent—Excused

Fuller

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Senate Resolution 170

Senator Herring offered the following resolution:

Whereas, We are honored to have in the gallery of the Senate, the 6th grade class of Allison Elementary School of Austin, Travis County, accompanied by their teacher, Mrs. Edna Ivash; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and

that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to their class in recognition of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students and their teacher to the Members of the Senate.

Senate Resolution 171

Senator Moffett offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. Oral Jones, Mr. J. R. Drummond, Mr. Fred Parkey and Mr. Jack Connell, prominent citizens of Wichita Falls, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; Now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
February 28, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 28, A bill to be entitled "An Act redistricting the 42nd, the 90th and the 91st Judicial Districts of Texas; providing that the county of Taylor shall constitute the 42nd Judicial District; providing that the counties of Stephens, Young and Shackelford shall constitute the 90th Judicial District; providing that the counties of Eastland and Callahan shall constitute the 91st Judicial District; providing the terms and jurisdiction of the District Courts of the 42nd, 90th and 91st Judicial Districts; providing the District Judges of the 42nd, 90th and 91st Judicial Districts shall continue in office for the terms of office elected; providing the District Attorneys of the 42nd and 90th Judicial Districts shall continue in office for the terms of office elected; creating

the office of District Attorney for the 91st Judicial District; providing for the appointment of a District Attorney for the 91st Judicial District; prescribing his qualifications, duties, powers, term of office and compensation; providing for the continuation of existing courts in said counties in session when this Act takes effect to the end of their terms; providing all process, writs, recognizances and bonds heretofore issued, made, executed or returnable to existing terms of District Courts in the effected counties, together with grand and petit juries heretofore selected, are valid and returnable to the first term of such court after this Act takes effect; providing for the appointment, designation and compensation of other officers of the courts; making other provisions relative to the business and functioning of the District Courts in the counties affected by this Act; making necessary appropriations; providing for a severability clause; repealing all laws in conflict with the provisions of this Act; and declaring an emergency."

H. B. No. 162, A bill to be entitled "An Act amending Section 2(1) of House Bill 611, being Chapter 562, Page 914, General and Special Laws of the State of Texas, 47th Legislature, Regular Session, 1941, and being codified in Vernon's Texas Civil Statutes as Section 2(1) of Article 695c, by adding a new section to be known as Sub-section (1)a; changing the title of the office of 'Executive Director' created in Section 2(1) of this Act to 'Commissioner of Public Welfare'; defining duties; and providing a repealing clause, a saving clause, and declaring an emergency."

H. B. No. 31, A bill to be entitled "An Act amending Subsection (2) of Section 23 of the Uniform Narcotic Drug Act, Chapter 169, Acts of the 45th Legislature, Regular Session, as amended, providing penalties for certain offenses involving minors under 19 years of age; and declaring an emergency."

H. B. No. 81, A bill to be entitled "An Act to establish and create a Criminal Judicial District of Travis County and a Criminal District Court of Travis County; providing for the jurisdiction of and procedure in said Court; fixing the time for holding the terms of said Court; providing for the election, tenure of office,

qualifications, duties, powers and compensation of a Judge of said Court; validating all bonds, recognizances, writs and processes of every kind issued out of or made returnable to the District Court of the 53rd, 98th and 126th Judicial Districts, making the same returnable to the Criminal District Court of Travis County; providing that judge of said Court and judges of district courts of Travis County may exchange benches and hear cases for each other in the same manner now provided by law for the judges of district courts of Travis County; providing that the sheriff, district attorney, county attorney and district clerk of said Court in their respective capacities under the same rules and regulations as are now, or may hereafter be, prescribed by law for the governing of such officers; relieving the judges of the district courts of Travis County of the mandatory duty of impaneling grand juries as now provided by law; providing when this Act shall go into effect; providing that if any part of this Act shall be held invalid the remainder shall be valid; repealing all laws in conflict herewith and declaring an emergency."

H. B. No. 110, A bill to be entitled "An Act amending Senate Bill No. 97, Chapter 55, Acts of the Fifty-fourth Legislature, Regular Session, 1955, so as to clarify and make more certain the laws pertaining to contents, issuance, service, and return of writs, notices, and citations in probate proceedings; to define more clearly the laws applicable to independent executors; to clarify the rights of the competent spouse of an incompetent spouse with respect to community property; to amend and revise laws pertaining to the amount of bonds to be given by personal representatives who are required to give bonds, determining penalties, reducing or raising penalties of such bonds; defining qualifications of sureties and the methods by which bonds may be secured, making such regulations applicable in sales and other matters affecting property of estates; more clearly defining the powers, duties, and obligations of guardians appointed to receive and disburse governmental funds; more clearly defining the character of drilling operations required to extend the

primary term of a mineral lease, the provisions relating to a lease at private sale, and the execution of collateral instruments without court order; amending, rearranging, and clarifying the laws pertaining to the filing, contents, proof, and examination of final accounts, and action of the court thereon; containing a severability clause; repealing Section 219 of said Chapter 55; and declaring an emergency."

H. B. No. 135, A bill to be entitled "An Act amending Article 4614 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 32, Acts of the 41st Legislature, Regular Session, 1929, so as to give general contractual power to the married woman in regards to her separate property; and amending Article 4616 of the Revised Civil Statutes of Texas, 1925, defining the wife's separate property protected from the debts contracted by the husband; and amending Article 4623 of the Revised Civil Statutes of Texas, 1925, defining property subject to the debts of the wife and repealing Article 4617 and Article 4626 and all amendments thereto of the Revised Civil Statutes of Texas, 1925, relating to the application to be feme sole; containing a severability clause, repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 163, A bill to be entitled "An Act to amend Article 1819 of the Revised Civil Statutes of Texas, as amended by Chapter 33 of the Acts of the Forty-first Legislature, Regular Session, providing for one Court of Civil Appeals to act for another under certain circumstances; and declaring an emergency."

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Resolution 173

Senator Reagan offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mrs. Culp Krueger and Mrs. Lula George; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas

and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Reagan by unanimous consent presented Mrs. Krueger and Mrs. George to the Members of the Senate.

Reports of Standing Committees

Senator Colson submitted the following report:

Austin, Texas,
February 28, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred S. B. No. 127, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLSON, Chairman.

Austin, Texas,
February 28, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred S. B. No. 239, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute passed in lieu thereof do pass and be printed.

COLSON, Chairman.

C. S. S. B. No. 239 was read first time.

Austin, Texas,
February 28, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We your Committee on Public Health, to whom was referred S. B. No. 197, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLSON, Chairman.

Austin, Texas,
February 28, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We your Committee on Public Health, to whom was referred H. B. No. 99, have had the same under

consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLSON, Chairman.

Senator Lane submitted the following reports:

Austin, Texas,
February 28, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. C. R. No. 14, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
February 28, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 184, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
February 28, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 131, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
February 28, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 293, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
February 28, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 136, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

LANE, Chairman.

Senator Weinert submitted the following reports:

Austin, Texas,
February 27, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 74, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
February 27, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 73, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
February 27, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. C. R. No. 29, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
February 27, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. C. R. No. 28, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
February 27, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 257, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Senator Parkhouse submitted the following reports:

Austin, Texas,
February 26, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 161, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

PARKHOUSE, Chairman.

Austin, Texas,
February 27, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 4, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

PARKHOUSE, Chairman.

Austin, Texas,
February 27, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 12, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended and be printed.

PARKHOUSE, Chairman.

Austin, Texas,
February 27, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 256, have had the same under consideration, and we are

instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,
February 28, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 280, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PARKHOUSE, Chairman.

Senator Phillips submitted the following report:

Austin, Texas,
February 28, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred H. J. R. No. 3, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute for H. J. R. No. 3 do pass and be printed.

PHILLIPS, Chairman.

C. S. H. J. R. No. 3 was read the first time.

Bills on First Reading

The following bills were introduced, read first time and referred to the committee indicated:

By Senator Kazen:

S. B. No. 302, A bill to be entitled "An Act making it unlawful to drive, or operate, propel or take away or attempt to drive, operate, propel or take away a vehicle as is defined by this Act the property of another and with intent to deprive said owner of the possession of such vehicle, and making such Act a felony; repealing Article 1341, Penal Code, 1925, as being in conflict herewith, providing a punishment for the violation hereof; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Martin:

S. B. No. 303, A bill to be entitled "An Act creating a State Youth Authority for the protection, care, train-

ing and parole supervision of delinquent children, and, among other things, defining its powers, duties and functions; providing an appropriation; containing a severability as to its validity; repealing certain statutes; fixing its effective date; and declaring an emergency."

To the Committee on State Affairs.

By Senator Owen:

S. B. No. 304, A bill to be entitled "An Act requiring persons convicted of sexual offenses to register with the Chief of Police or Sheriff, and prescribing a penalty for failure to register."

To the Committee on Jurisprudence.

By Senator Owen:

S. B. No. 305, A bill to be entitled "An Act relating to immoral sexual deviations; amending Article 524 of the Penal Code of Texas, as amended, which now defines the offense of sodomy, by enlarging its provisions to include other acts of sexual deviation and by redefining the offense as "immoral sexual deviation"; further defining offenses relative to permitting, aiding or abetting acts of immoral sexual deviation and to soliciting or procuring any person for the purpose of engaging in such acts; prescribing penalties; and declaring an emergency."

To the Committee on Jurisprudence.

Senate Concurrent Resolution 33

Senator Phillips offered the following resolution:

S. C. R. No. 33, Authorizing the Board of Regents of The University of Texas to accept on behalf of the Medical Branch of The University of Texas at Galveston private funds for the construction of a small building.

Whereas, The Medical Branch of The University of Texas at Galveston has received notice of a generous gift from the Babe Zaharias Cancer Fund in the amount of \$50,000.00 for the purchase and installation of a high-energy radiation therapy apparatus of the "Cobalt 60" teletherapy type; and

Whereas, It will be necessary to construct a small building or a wing to an existing building of approximately 5,200 square feet meeting the specifications of the Atomic Energy Commission to house the Cobalt

apparatus, the approximate cost of which is estimated at \$150,000; and

Whereas, A need has long existed at the Medical Branch for this Cobalt apparatus in the treatment of cancer and in allied basic research; and

Whereas, The necessary funds for the construction and equipping of this new building to house the Cobalt machine will be provided from private sources; and

Whereas, Section 22 Article VI, House Bill No. 140, Chapter 519, 54th Legislature, Regular Session requires legislative consent and authorization of the Legislature to acquire permanent improvements which thereafter will require maintenance from State funds; and

Whereas, The only cost to the State will be for the maintenance of this building and machine, including the cost of utilities, estimated at approximately \$5,200.00 per year; Now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, that the Board of Regents of The University of Texas be and it is hereby authorized to accept for and on behalf of the Medical Branch of The University of Texas at Galveston private funds for the construction and equipping of a small building or wing to an existing building to house a Cobalt 60 teletherapy-type apparatus and to construct such building or wing to an existing building without cost to the State for construction or equipping.

The resolution was read.

On motion of Senator Phillips and by unanimous consent the resolution was considered immediately and was adopted.

Senate Bill 230 with House Amendments

Senator Parkhouse called S. B. No. 230 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Parkhouse moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Fly	Ratliff
Gonzalez	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Lock	Wood
Moffett	

Nays—3

Bradshaw	Martin
Hardeman	

Absent—Excused

Fuller

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the committees indicated:

H. B. No. 163, to Committee on Jurisprudence.

H. B. No. 135, to Committee on State Affairs.

H. B. No. 110, to Committee on Jurisprudence.

H. B. No. 81, to Committee on Legislative, Congressional and Judicial Districts.

H. B. No. 31, to Committee on Jurisprudence.

H. B. No. 162, to Committee on State Affairs.

H. B. No. 28, to Committee on Legislative, Congressional and Judicial Districts.

Senate Resolution 174

Senator Aikin offered the following resolution:

Whereas, Mr. Jimmie Thompson of Paris, Texas, is a visitor at the Capitol today; and

Whereas, Mr. Thompson is one of our finest citizens; and

Whereas, We are delighted to have him as our guest; now, therefore, be it Resolved, That he be extended a

hearty welcome and extended the privileges of the floor for today.

The resolution was read and was adopted.

Senate Resolution 175

Senator Krueger offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Hon. Billie Cline, Representative from Wharton County, and Hon. L. L. Duckett, former Representative; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Krueger by unanimous consent presented the distinguished guests to the Members of the Senate.

Senate Bill 280 Ordered Not Printed

On motion of Senator Martin and by unanimous consent S. B. No. 280 was ordered not printed.

(President in the Chair.)

Message From the House

Hall of the House of Representatives,
Austin, Texas,
February 28, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 14, Granting permission to Southern Union Gas Company to sue the State.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Observance of Texas Independence Day

The President recognized Senator Hardeman and he addressed the Senate relative to Texas Independence Day, saying that the Senate should pause to observe Texas Independence Day.

At the conclusion of the address by Senator Hardeman and pursuant to the provisions of Senate Resolution No. 92, previously adopted by the Senate, Senator Krueger, heretofore appointed by the President, proceeded to the Reading Clerk's desk.

Senator Krueger then read The Unanimous Declaration of Independence made by the Delegates of the People of Texas in General Convention at the town of Washington on the 2nd day of March, 1836, as follows:

When a government has ceased to protect the lives, liberty and property of the people from whom its legitimate powers are derived, and for the advancement of whose happiness it was instituted, and so far from being a guarantee for the enjoyment of their inestimable and inalienable rights, becomes an instrument in the hands of evil rulers for their oppression; when the Federal Republican Constitution of their country, which they have sworn to support, no longer has a substantial existence, and the whole nature of their government has been forcibly changed without their consent, from a restricted Federative Republic, composed of sovereign states, to a consolidated central military despotism, in which every interest is disregarded but that of the army and the priesthood, both the eternal enemies of civil liberty, the ever-ready minions of power, and the usual instruments of tyrants; when, long after the spirit of the Constitution has departed, moderation is at length so far lost by those in power, that even the semblance of freedom is removed, and the forms themselves of the constitution discontinued; and so far from their petitions and remonstrances being regarded, the agents who bear them are thrown into dungeons and mercenary armies sent forth to force a new government upon them at the point of the bayonet; when, in consequence of such acts of malfeasance and abdication on the part of the government, anarchy prevails, and civil society is dissolved into its original elements in such a crisis, the first law of nature, the right of self-preservation, the inherent and inalienable right of the people to appeal to first principles, and take their political affairs into their own hands in extreme cases, enjoins it as a right toward themselves, and a sacred obligation of

their posterity, to abolish such government and create another in its stead, calculated to rescue them from impending dangers, and to secure their future welfare and happiness.

Nations, as well as individuals, are amenable for their acts to the public opinion of mankind. A statement of a part of our grievances is therefore submitted to an impartial world, in justification of the hazardous but unavoidable step now taken, of severing our political connection with the Mexican people, and assuming an independent attitude among the nations of the earth.

The Mexican Government, by its colonization laws, invited and induced the Anglo-American population of Texas to colonize its wilderness, under the pledged faith of a written Constitution, that they should continue to enjoy that constitutional liberty and republican government to which they had been habituated in the land of their birth, the United States of America. In this expectation they have been cruelly disappointed, inasmuch as the Mexican Nation has acquiesced in the late changes made in the government by Gen. Antonio Lopez de Santa Anna, who, having overturned the Constitution of his country, now offers us the cruel alternative, either to abandon our homes, acquired by so many privations, or submit to the most intolerable of all tyranny, the combined despotism of the sword and the priesthood.

It has sacrificed our welfare to the State of Coahuila, by which our interests have been continually depressed, through a jealous and impartial course of legislation, carried on at a far-distant seat of government, by a hostile majority, in an unknown tongue; and this, too, notwithstanding we have petitioned in the humblest terms for the establishment of a separate state government, and have, in accordance with the provisions of the National Constitution, presented to the General Congress, a Republican Constitution, which was without just cause, contemptuously rejected.

It incarcerated in a dungeon, for a long time, one of our citizens, for no other cause but a zealous endeavor to procure the acceptance of our Constitution and the establishment of a state government.

It has failed and refused to secure, on a firm basis, the right of trial by jury, that palladium of civil liberty,

and only safe guarantee for the life, liberty, and property of the citizen.

It has failed to establish any public system of education, although possessed of almost boundless resources (the public domain), and although it is an axiom in political science that, unless a people are educated and enlightened, it is idle to expect the continuance of civil liberty, or the capacity for self-government.

It has suffered the military commandants stationed among us to exercise arbitrary acts of oppression and tyranny, thus trampling upon the most sacred rights of the citizen, and rendering the military superior to the civil power.

It has dissolved by force of arms the State Congress of Coahuila and Texas, and obliged our representatives to fly for their lives from the seat of government, thus depriving us of the fundamental political right of representation.

It has demanded the surrender of a number of our citizens, and ordered military detachments to seize and carry them into the interior for trial, in contempt of the civil authorities, and in defiance of the laws and the Constitution.

It has made piratical attacks upon our commerce by commissioning foreign desperados, and authorizing them to seize our vessels and convey the property of our citizens to far-distant ports for confiscation.

It denies us the right of worshipping the Almighty according to the dictates of our consciences, by the support of a national religion calculated to promote the temporal interests of its human functionaries rather than the glory of the true and living God.

It has demanded us to deliver up our arms, which are essential to our defense, the rightful property of free-men, and formidable only to tyrannical governments.

It has invaded our country, both by sea and by land, with intent to lay waste our territory, and drive us from our homes; and has now a large mercenary army advancing to carry on against us a war of extermination.

It has, through its emissaries, incited the merciless savage, with the tomahawk and scalping knife, to massacre the inhabitants of our defenseless frontiers.

It hath been, during the whole time of our connection with it, the contemptible sport and victim of suc-

cessive military revolutions, and hath continually exhibited every characteristic of a weak, corrupt and tyrannical government.

These and other grievances were patiently borne by the people of Texas, until they reached that point at which forbearance ceases to be a virtue. We then took up arms in defense of the National Constitution. We appealed to our Mexican brethren for assistance. Our appeal has been made in vain; though months have elapsed, no sympathetic response has yet been heard from the interior. We are, therefore, forced to the melancholy conclusion that the Mexican people have acquiesced in the destruction of their liberty, and the substitution therefor of a military government—that they are unfit to be free, and incapable of self-government.

The necessity of self-preservation, therefore, now decrees our eternal political separation.

We, therefore, the delegates, with plenary powers of the people of Texas, in solemn convention assembled, appealing to a candid world for the necessities of our condition, do hereby resolve and declare that our political connection with the Mexican nation has forever ended, and that the people of Texas do now constitute a free, sovereign and independent Republic, and are fully invested with all the rights and attributes which properly belong to independent nations; and, conscious of the rectitude of our intentions, we fearlessly and confidently commit the issue to the decision of the Supreme Arbiter of the destinies of nations.

Richard Ellis, President
Charles B. Stewart
Thomas Barnett
James Collinsworth
Edwin Waller
Asa Brigham
John S. D. Byrom
Francisco Ruiz
Jose Antonio Navarro
Jessie B. Badgett
William D. Lacey
William Meniffee
John Fisher
Mathew Caldwell
J. William Motley
Lorenzo de Zavala
Stephen H. Everitt
George W. Smyth
Elijah Stapp
Claiborne West
William B. Scates
M. B. Menard

A. B. Hardin
J. W. Bunton
Thomas J. Gazley
R. M. Coleman
Sterling C. Robertson
George C. Childress
Bailey Hardeman
Robert Potter
Thomas Jefferson Rusk
Charles S. Taylor
John S. Roberts
Robert Hamilton
Collin McKinney
Albert H. Latimer
James Power
Sam Houston
David Thomas
Edward Conrad
Martin Parmer
Edward O. LeGrand
Stephen W. Blount
James Gaines
William Clark, Jr.
Sydney O. Pennington
William Carroll Crawford
John Turner
Benjamin B. Goodrich
G. W. Barnett
James G. Swisher
Jesse Grimes
S. Rhoads Fisher
John W. Moore
John W. Bower
Samuel A. Maverick
Sam P. Carson
A. Briscoe
James B. Woods

Address of Senator Hardeman and Declaration of Independence Ordered Printed in Journal

On motion of Senator Colson and by unanimous consent the address of Senator Hardeman and the Declaration of Independence was ordered printed in the Journal.

Appointment of Special Committee

Pursuant to the provisions of Senate Resolution 162, the President announced the appointment of the following Special Committee:

Senators Herring, Chairman; Owen, Kazen, Krueger and Aikin.

Adjournment

On motion of Senator Lane the Senate at 11:30 o'clock a.m. adjourned until 10:30 o'clock a.m. on Monday, March 4, 1956.

Record of Vote

Senator Phillips asked to be recorded as voting "nay" on the motion to adjourn.

In Memory of

Honorable Oliver L. Morey, Sr.

Senator Willis offered the following resolution:

(Senate Resolution 169)

Whereas, On the morning of March 23, 1956, Almighty God, in His Infinite Wisdom did call to Heavenly Rest the Honorable Oliver L. Morey, Sr., of Fort Worth, Texas; and

Whereas, Oliver L. Morey, Sr. was born in Bowie, Texas, had reached the age of seventy-six years, and had been an outstanding resident of Fort Worth, Texas, since the year 1912, and would have celebrated with his lovely wife their Golden Wedding Anniversary on May 30, 1956; and

Whereas, This fine Christian gentleman had been active with his son in the optical business for many years, being affectionately known and loved by all who knew him, and who by his inspiring courage and service had not only personally worked in behalf of other opticians in Texas and throughout the nation, but had encouraged and inspired his son and many others to work for the betterment of all those in the optical business; now, therefore, be it

Resolved, By the Senate of the Fifty-fifth Legislature of Texas, That the respect and admiration of this body be expressed hereby; and that when the Senate adjourns today, it do so in his honor; and be it further

Resolved, That we extend to his family our deepest sympathy; and that copies of this Resolution be mailed to his wife, Lottie Morey; his daughter, Miss Naomi Morey; his son, Oliver L. Morey; and his two granddaughters, Nancy Lou and Mary Lou Morey.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of
Harry K. Benton

Senator Smith offered the following resolution:

(Senate Resolution 172)

Whereas, The Universal Father, in His infinite wisdom, on the eighteenth day of February, 1957, removed from his earthly labors, Harry K. Benton, a most loved and highly esteemed citizen and husband;

Whereas, Mr. Benton was born in Franklin, Texas, April 3, 1894, the third son of T. S. and Kate Benton;

Whereas, Mr. Benton, following in the footsteps of his father, a prominent educator, obtained his teaching certificate following graduation from high school at sixteen years of age;

Whereas, Mr. Benton spent most of his teaching career in Hill County with the exception of nine and one-half years which was spent teaching in the Sligo and Denver City schools;

Whereas, Mr. Benton, who was deeply interested in his community, served it well by his tireless efforts to see that libraries for Denver City and Plains were established, both of which are now under construction, and by his interests in juveniles and the prevention of delinquency among them;

Whereas, The community of which he was so much a part will long remember his valuable support of the road bond proposition, which would provide additional good roads, for which a county bond issue was called only hours preceding his untimely death;

Whereas, Mr. Benton served his community, his State and his Church long and faithfully as County Judge for Yoakum County for two years and two months, as a well-known loyal member of his party affiliation, and as a member of the Methodist Church for forty-one years;

Whereas, In the death of Mr. Harry K. Benton the community and State realize that they have lost a good friend, an upright citizen, and a wise counselor; now, therefore, be it

Resolved, That it is the desire of the Senate of the Fifty-fifth Legislature to pay tribute to this worthy citizen; and be it further

Resolved, That when the Senate adjourns today, it do so in his honor and that a page in the permanent Journal in the Senate be devoted to the recording of this resolution; and be it further

Resolved, That an enrolled copy of this resolution be sent to his wife, Mrs. Gladys Benton; to his sister, Mrs. Jack Lancaster of Corpus Christi; and to his brother, W. B. Benton of Houston, as a token of respect and sympathy.

The resolution was read and was adopted by a rising vote of the Senate.